

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES OF AMERICA

v.

PHILIP J. ALBERT, JR.

**DEFENDANT PHILIP ALBERT'S ASSENTED TO MOTION
TO CONTINUE SENTENCING HEARING**

Now comes the defendant, Philip J. Albert, Jr., through counsel, and respectfully moves this Honorable Court to continue his sentencing hearing from Wednesday, July 12, 2006 to a date not sooner than August 10, 2006 that is convenient for the parties and the court.

As reasons therefore, and in support whereof, the defendant states as follows:

1. On February 10, 2006 Magistrate Judge Dein ordered Mr. Albert to enter drug treatment at Spectrum Residential. This program is located in Westboro, Massachusetts.
2. Mr. Albert entered the residential program as ordered. He then returned to court on or about March 15, 2006, at which time Pretrial Services Officer Judith Oxford informed the court that Mr. Albert was doing exceptionally well.
3. Pretrial Officer Oxford submitted a written report to the court at that time in which she summarized Mr. Albert's success in the program. The relevant portion of that letter follows:

Mr. Albert entered Spectrum Residential, following a long history of denial in regards to his drug use. However, this changed dramatically. Mr. Albert has participated fully from the first day at

the residential program. He appeared to be honest and disclosed to treatment staff his long battle with opiate addiction. He spoke in groups when called upon and was attentive during every therapy session. Approximately two weeks after arriving, Pretrial Services met with Mr. Albert and his treatment staff at Spectrum. The reports were not just positive in regards to his attitude, but described an individual that was fully engaged in treatment and demonstrated a willingness to commit to his recovery. Staff members have indicated that Mr. Albert is progressing positively in his program and is reaching out to his peers so that he can develop a support network. Mark Anderson, the Director of Spectrum Residential indicated that Mr. Albert has recently experienced some difficult events with his family and did not let this be an excuse to defocus from treatment, rather, he was able to process his feelings with staff demonstrating the ability to utilize recovery tools.

March 15, 2006 Letter From Judith Oxford to Judge Zobel, pg. 2.

4. All subsequent reports indicate that Mr. Albert is continuing his positive efforts at Spectrum Residential. He remains committed to his recovery, and he is actively involved in helping other residents do the same.
5. Mr. Albert is scheduled to complete the residential program, and graduate therefrom, on August 9, 2006. It will be in the best interest of his recovery to permit him to complete the program, particularly where he has done so well thus far. This court will also benefit by permitting him to complete the program because, if it does so, it will have additional information available to it when it fashions an appropriate penalty for the offenses which Mr. Albert has taken responsibility for.
6. The defendant further states that Judith Oxford of Pretrial Services, and A.U.S.A. Michael Pelgro of the Office of the United States Attorney, have both informed counsel for the defendant that there is no opposition to the allowance of the instant motion. In fact, Officer Oxford indicated that she believes that Mr. Albert's interests will be best

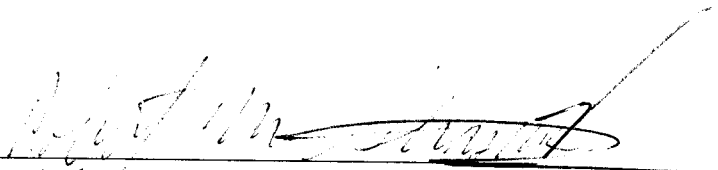
served by permitting him to complete the residential program before the court conducts a sentencing hearing.

WHEREFORE: The defendant respectfully requests that the within motion be allowed, and that his sentencing hearing be continued from July 12, 2006 to a date not sooner than August 10, 2006 that is convenient for the parties and the court.

Respectfully submitted,

Philip J. Albert, Jr., Defendant
By his attorneys,

Dated: 7/7/06


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail hand on 7-7-06

Robert M. Strasnick